

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 -----X  
4 TINA BRADWAY, Individually and as  
5 Administratrix of the Estate of  
6 TONY BRADWAY,

7 Plaintiff,

8 -against-

Civil Action No.  
CV-09 3177

9 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,  
10 and JOHN DOES 1-10 Consisting of  
11 Individuals to be Determined,

12 Defendants.  
13 -----X

14 May 24, 2010  
15 10:00 a.m.

16 110 Old Riverhead Road  
17 Hampton Bays, New York

18 DEPOSITION of THE TOWN OF SOUTHAMPTON,  
19 a Defendant herein, by POLICE OFFICER ERIC  
20 SICKLES, taken by the Plaintiff, pursuant to  
21 Federal Rules of Civil Procedure, and Notice,  
22 held at the above-mentioned time and place,  
23 before Lori Anne Curtis, a Notary Public of the  
24 State of New York.  
25 ,

## 2 A P P E A R A N C E S :

3  
4  
5 RUSKIN, MOSCOU & FALTISCHEK, INC.  
6 Attorneys for Plaintiff  
7 1425 RXR Plaza  
8 Uniondale, New York 11556  
9 BY: THOMAS TELESKA, ESQ.

10 DEVITT SPELLMAN BARRETT, LLP  
11 Attorneys for Defendants  
12 50 Route 111  
13 Smithtown, New York 11787  
14 BY: JELTJE DEJONG, ESQ.

## 15 ALSO PRESENT:

16  
17 Police Officer Vincent Cagno  
18  
19  
20  
21  
22  
23  
24  
25

## FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by  
and between the parties hereto, through their  
respective counsel, that the certification,  
sealing and filing of the within examination  
will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the form of  
the question, will be reserved to the time of  
the trial;

IT IS FURTHER STIPULATED AND AGREED that  
the within examination may be signed before any  
Notary Public with the same force and effect as  
if signed and sworn to before this Court.

1  
2 E R I C S I C K L E S, the Witness herein,  
3 having been first duly sworn by a Notary  
4 Public in and of the State of New York,  
5 was examined and testified as follows:

6 EXAMINATION BY

7 MR. TELESKA:

8 Q Would you please state your full  
9 name for the record.

10 A Eric Sickles, S-I-C-K-L-E-S.

11 Q What is your current business  
12 address?

13 A 110 Old Riverhead Road, Hampton  
14 Bays, New York 11946.

15 MR. TELESKA: Good morning,  
16 Officer Sickles. We met  
17 informally. My name is Tom  
18 Telesca. I represent Tina  
19 Bradway, who is bringing a suit on  
20 behalf of her deceased son, Tony  
21 Bradway, against the Town of  
22 Southampton and individual members  
23 of the police department, such as  
24 yourself.

25 THE WITNESS: Okay.

PO E. Sickles

Q Have you ever been deposed before?

A Yes.

Q How many times?

A Approximately three.

Q Have they involved personal matters or matters regarding the police department?

A Both.

Q How many times with regard to your work?

A One other time.

Q And that was your work as a police officer?

A Yes.

Q Did that deposition involve a case where there was an allegation of the use of excessive force?

A No.

Q Okay.

How about, was there an allegation in that case that involved the alleged failure of somebody to get medical care?

A No.

MR. TELESKA: Okay.

1 PO E. Sickles

2 So you understand kind of  
3 the rules of the road for today.  
4 There is a court reporter who's  
5 going to transcribe everything  
6 that's said to create a written  
7 record.

8 THE WITNESS: Uh-hum.

9 MR. TELESKA: So it's  
10 important that you answer  
11 verbally, not nod your head. It's  
12 also important that you don't  
13 guess; that if you don't know the  
14 answer, it's okay to say "I don't  
15 know," or if you would like to  
16 give a range, for example, if I  
17 ask you, you know, what time did  
18 you do X, you can say,  
19 "approximately," you know, "I'm  
20 not sure," but you can give a  
21 range, but just qualify and let us  
22 know that, but please don't guess.

23 THE WITNESS: Okay.

24 MR. TELESKA: If there's a  
25 word I use or a term that's not



PO E. Sickles

clear to you or if I'm using the  
wrong term, I'd ask that you ask  
me to clarify what I'm saying. If  
there's a question that you don't  
understand, it's perfectly okay  
for you to say to me "I don't  
understand what your question is."

THE WITNESS: Okay.

MR. TELESKA: If you answer  
a question, I'll assume that you  
heard it, that you understood it  
and that you answered it  
accurately to the best of your  
ability today.

THE WITNESS: Okay.

MR. TELESKA: If at any  
time you need a break -- you need  
to use the restroom, make a call,  
whatever reason -- I just ask that  
you answer a pending question, and  
then you can take as much time as  
you need.

THE WITNESS: Okay.

MR. TELESKA: And if at any

1 PO E. Sickles

2 time your attorney places an  
3 objection to one of my questions,  
4 I'd ask that you stop speaking and  
5 allow her to place her objection  
6 on the record, and if we need to  
7 work something out, please allow  
8 us to do that.

9 THE WITNESS: Okay.

10 Q Okay.

11 Is there any reason why you cannot  
12 testify truthfully today?

13 A No.

14 Q Did you review any documents in  
15 preparation for today's deposition?

16 A Yesterday.

17 Q Okay.

18 What did you review?

19 A I browsed my supplemental report.

20 Q Did you review any other reports?

21 A No.

22 Q Did you review your use of force  
23 report?

24 A No.

25 Q Other than your attorney or any



PO E. Sickles

other attorney at Ms. DeJong's firm, did you  
speak with anyone concerning today's testimony?

A Yes.

Q Who did you speak with?

A Sergeant James Kiernan.

Q And when did you speak to him?

A Yesterday.

Q What did you speak about?

A He wanted me to bring -- turn over  
drugs later on in the day, and he just basically  
told me that this shouldn't take longer than two  
hours or so.

Q Okay.

Did you speak about the substance  
of his deposition last week?

A No.

Q Okay.

Did you speak with anybody else?

A No.

Q So did you speak with --

MR. TELESKA: And I want to  
pronounce your (indicating) name.

Is it Cagno?

OFFICER CAGNO: Cagno.

1 PO E. Sickles

2 Q Did you speak with Officer Cagno?

3 A No.

4 Q How about Officer Peters?

5 A No.

6 Q Officer Frankenbach?

7 A No.

8 Q Officer William Kiernan?

9 A No.

10 Q Okay.

11 How about Officer Montalbano?

12 A No.

13 Q I assume you graduated from high

14 school?

15 A Yes.

16 Q Where did you go to high school?

17 A William Floyd High School in

18 Mastic.

19 Q Did you attend any college?

20 A Yes.

21 Q Where?

22 A Suffolk Community.

23 Q And did you get a degree?

24 A No.

25 Q How many years did you attend

PO E. Sickles

1 Suffolk Community?

2 A One semester.

3 Q What year did you graduate from  
4 William Floyd High School?

5 A '93.

6 Q Okay.

7 And you attended Suffolk, you  
8 said, one semester. Was that the following fall  
9 after high school graduation?

10 A Yes.

11 Q Okay.

12 After you left Suffolk Community  
13 College, what did you do professionally?

14 A Security.

15 Q Where did you work?

16 A I worked in an airline hanger for  
17 Warner Brothers in Bohemia.

18 Q When did you start working there?

19 A I don't know the years. I don't  
20 recall.

21 Q Do you recall about how long after  
22 you left Suffolk Community it was?

23 A Maybe six months or so.

24 Q Okay.

1 PO E. Sickles

2 And how long did you work there?

3 A A year.

4 Q And what did you do next  
5 professionally?

6 A I worked at a propane company.

7 Q What company?

8 A Vitali.

9 Q And where was that located?

10 A Bohemia.

11 Q And how long did you work there?

12 A Approximately a year.

13 Q Okay.

14 What did you do after that for  
15 employment?

16 A I worked as a part-time police  
17 officer.

18 Q Where did you do that?

19 A Southampton Town and Quogue  
20 Village.

21 Q When you say "part-time police  
22 officer," how is that different from a full-time  
23 police officer in terms of your job  
24 responsibilities?

25 A It's really not. It's a police

1 PO E. Sickles

2 officer status, but it's seasonal work.

3 Q So before you became -- and let me  
4 start from the beginning.

5 Do you recall what year you became  
6 a part-time police officer?

7 A 1999.

8 Q Okay.

9 And before you were employed as a  
10 part-time police officer, did you go to a police  
11 academy?

12 A Yes.

13 Q Where did you go to a police  
14 academy?

15 A In Nesconset, New York.

16 Q And that was Suffolk --

17 A Suffolk County Police Academy.

18 Q And when you were working part  
19 time, did you work at Southampton first or  
20 Quogue Village?

21 A Southampton.

22 Q And that was in 1999?

23 A Yes.

24 Q And you were a uniformed officer?

25 A Yes.

1 PO E. Sickles

2 Q When did you start working for the  
3 Quogue Village Police Department?

4 A I'd say approximately six months  
5 after I was hired here, so --

6 Q Okay, so were you -- are you  
7 finished?

8 A No.  
9 Also in the same village.

10 Q Okay, so were you working for both  
11 the Town of Southampton and Quogue Village at  
12 the same time?

13 A Yes.

14 Q And when you say "seasonal," is  
15 that for the summer?

16 A Yes.

17 Q Okay.  
18 So during which months were you  
19 hired for?

20 A For anywhere from the end of May  
21 until the beginning of September.

22 Q And both Southampton and Quogue  
23 Village, you were a uniformed police officer?

24 A Yes.

25 Q Did you patrol in a car?



PO E. Sickles

A Yes.

Q And for how long were you a  
part-time officer?

A I believe it was two seasons -- or  
maybe one season, one summer.

Q So that would be the summer of  
'99?

A Yes.

Q And after that, were you hired  
full time?

A Yes.

Q By Southampton or Quogue Village  
or both?

A By Southampton.

Q Okay.

So that was approximately 2000?

A Yes.

Q When you were hired full time by  
the Southampton Town Police Department, what was  
your role? Were you still a uniformed police  
officer?

A Yes.

Q Okay.

And as a uniformed police officer,

1 PO E. Sickles

2 full time, for the Town of Southampton, what  
3 were your job responsibilities?

4 A To answer radio calls, enforce the  
5 Vehicle and Traffic Law and Penal Law.

6 Q And you were in a squad car?

7 A Yes.

8 Q And today you are not a uniformed  
9 police officer anymore?

10 A No.

11 Q At what point did you -- what's  
12 your current position?

13 A I work for the Street Crime Unit.

14 Q Okay.

15 And when did you start working for  
16 the Street Crime Unit?

17 A 2003.

18 Q Between 2000 and 2003 did you have  
19 any other position other than a uniformed  
20 officer and working for the Street Crime Unit?

21 A I was a member of the Emergency  
22 Services Unit.

23 Q Okay.

24 And what does that mean?

25 A It's a S.W.A.T. team.

PO E. Sickles

Q Now, is that distinct from being a uniformed officer or is it something in addition to being a uniformed officer?

A In addition to.

Q Okay.

And how were you selected to work for Emergency Services?

A They pick you --

Q Who picked you?

A -- they vote on you.

The team.

Q Who's "the team"?

A Other members of the department.

Q Of the Emergency Services department?

A Yes.

Q So are you selected based on your performance as a uniformed officer?

A Yes.

Q Are you still a member of the Emergency Services Team?

A No.

Q Okay.

So is it considered a promotion to

PO E. Sickles

be selected for the Emergency Services Team?

A No.

Q And then can you describe to me the process by which you became a member of the Street Crime Unit?

A There were -- we have a blackboard with transfers and things of that nature, and I believe they were asking for letters of interest, so I put in a letter of interest and I was selected.

Q Okay.

So essentially the department has openings, and you apply for an opening?

A Yes.

Q Do you recall when you applied for the Street Crimes Unit?

A No, I don't recall.

Q Did you apply only one time and get accepted?

A Yes.

Q Let's go back to when you were at the police academy. Was that in or about 1998?

A Yes.

Q Okay.

PO E. Sickles

2 And can you describe for me your  
3 training at the police academy.

4 A Sure. We had classroom sessions,  
5 which included blocks on laws of arrest, deadly  
6 physical force, Vehicle and Traffic Law, Penal  
7 Law, we also had firearms training, physical  
8 agility training, defensive tactics training.

9 Q Okay, so it's safe to say that it  
10 covered all bases necessary for becoming a  
11 police officer?

12 A Yes.

13 Q Okay.

14 While you were at the police  
15 academy, did you take any specialized courses?

16 A No.

17 Q So everybody that was in your  
18 class took the same courses?

19 A Yes.

20 Q Okay.

21 As part of your training at the  
22 police academy, did it include training on when  
23 you should take an arrestee to the hospital as  
24 opposed to bringing them to headquarters after  
25 an arrest?

PO E. Sickles

2 A I don't recall.

3 Q Do you recall ever having such  
4 training?

5 A No.

6 Q When you became a member of the  
7 Emergency Services Team, did that require  
8 additional attendance at the police academy or  
9 at some other training facility?

10 A Yes.

11 Q Where was that?

12 A Suffolk County Range. It was a  
13 Suffolk County Basic S.W.A.T. School.

14 Q And how long did that take?

15 A Two weeks.

16 Q Was that two weeks full time or  
17 while you were still working as a police  
18 officer?

19 A While I was still working.

20 Q Was it during the time you were on  
21 your days off or --

22 A No, you are assigned there.

23 Q Okay.

24 So you weren't working your normal  
25 schedule.



PO E. Sickles

2 A No, no.

3 Q Okay.

4 And that two-week course, what did  
5 it entail?

6 A Entries into residences, defensive  
7 tactics, firearms, stuff of that nature.

8 Q And that would be part of a  
9 S.W.A.T. Team that I would see on TV?

10 A Yes.

11 MS. DEJONG: I'll object to  
12 the form of the question.

13 MR. TELESKA: Off the  
14 record.

15 (Discussion held off the  
16 record.)

17 MR. TELESKA: Back on the  
18 record.

19 Q And then when you were accepted as  
20 a member of the Street Crimes Unit, did that  
21 also require additional training?

22 A Yes.

23 Q And where did that training take  
24 place?

25 A I've attended several schools with

PO E. Sickles

the Street Crime Unit in various places.

Q Okay.

Is that over the course of the time you were a member of the Street Crimes Unit?

A Yes.

Q I just want to know about the training you received before you became a member.

A None.

Q None?

A None.

Q So you are just selected?

A Yes.

Q And at that point, you no longer wore a uniform on a daily basis?

A No.

Q So are you considered an undercover officer?

A Yes.

Q Now -- I may have asked this, but I just want to be sure that it's clear -- up until today, did you ever have any formal training either in a classroom or some other

1 PO E. Sickles

2 type of setting where you were advised on when  
3 you should take an arrestee to the hospital or  
4 for other medical treatment as opposed to  
5 bringing that arrested person to headquarters  
6 for whatever, booking or whatever it is.

7 MS. DEJONG: I'm objecting  
8 to the form, but you can answer  
9 that.

10 Are we talking EMT  
11 training? There's a lot of  
12 different training. Are you  
13 talking specifically --

14 MR. TELESKA: No, as a  
15 police officer.

16 Q So, for instance, is there a  
17 classroom session or handout pamphlet in a book  
18 where it said "under X circumstances, you should  
19 attempt to bring the arrested person for medical  
20 service as opposed..."

21 A There were situations where they  
22 would tell us that we would bring somebody to a  
23 hospital.

24 Q And that was part of your formal  
25 training?

1 PO E. Sickles

2 A I believe with the EMT classes,  
3 they were teaching that.

4 Q Now, yesterday, I reviewed your  
5 personnel file that was produced by your  
6 attorneys, and as part of that, I saw that you  
7 had a certificate for EMT training.

8 A Yes.

9 Q Okay.

10 Now, is that something that every  
11 police officer has?

12 A Yes.

13 Q Okay.

14 And how would you describe the EMT  
15 training? What is entailed?

16 A It's basic CPR instructions and a  
17 practical course, where you demonstrate  
18 procedures in CPR and first aid.

19 Q So, it's a -- I don't want to  
20 underplay what it is, but essentially it's how  
21 to administer first aid?

22 A Yes.

23 Q Okay.

24 And in the course of your duty if  
25 you arrest somebody who is injured or otherwise

1 PO E. Sickles

2 sick, are you trained to take that person  
3 directly to the hospital for medical care or are  
4 you trained to bring them to headquarters?

5 A It depends on the situation.

6 Q Okay.

7 Under what circumstances would you  
8 bring somebody directly to the hospital?

9 A If they appear to be in distress  
10 or requesting to go to the hospital.

11 Q Would a potential overdose be a  
12 sign of distress?

13 MS. DEJONG: Objection, but  
14 go ahead, if you can answer it.

15 A If they were showing signs of  
16 distress, yes.

17 Q I guess what I want to know, in  
18 particular if an arrestee was showing that they  
19 were overdosing, would that be a sign of  
20 distress that would lead you to take them  
21 directly to the hospital?

22 A Yes.

23 MR. TELESKA: Let's mark  
24 this -- we're up to Plaintiff's 7,  
25 I believe.

PO E. Sickles

MS. DEJONG: Yes.

(Plaintiff's Exhibit 7,

First Responder Certificate, was  
marked for identification, as of  
this date.)

Q Officer Sickles, do you recognize  
this document (handing)?

A (Witness peruses document.)

Yes.

Q Can you tell me what it is?

A It's a First Responder  
certificate.

Q And it was issued on May 19, 1999?

A Yes.

Q So was this certificate obtained  
by you at or about the time that you became a  
police officer?

A This one is through Quogue  
Village.

Q Okay.

In addition, do you have another  
First Responder certificate?

A Whatever I received in the police  
academy, whatever training I received there.



1 PO E. Sickles

2 This is in addition to.

3 Q So this is separate from the First  
4 Responder training you got while at the police  
5 academy?

6 A Yes.

7 Q Do you recall if this -- and I'm  
8 speaking about Plaintiff's Exhibit 7 -- did the  
9 training that was required in order to get the  
10 First Responder certificate from Quogue Village,  
11 did that include anything different than what  
12 you learned through the police academy, if you  
13 can recall?

14 A I'm not sure.

15 Q Okay.

16 Is part of your First Responder  
17 training, whether it was through the police  
18 academy or through Quogue Village or through  
19 some other entity, did that include how to  
20 administer first aid to somebody who was  
21 intoxicated or overdosing?

22 A Yes.

23 Q Okay.

24 And can you describe for me, if  
25 you can, what steps should be taken if a person

PO E. Sickles

1 is overdosing?

2 A We'd usually administer some  
3 oxygen, call for an ambulance to come.  
4

5 Q So other than administering  
6 oxygen, is there anything else you can do?

7 A No.

8 Q Also when I was looking through  
9 your personnel file yesterday, I noticed that  
10 you have, I think, two certificates for the use  
11 of a Taser?

12 A Yes.

13 Q Are you certified to use a Taser?

14 A Yes.

15 Q Okay.

16 Can you tell me what a Taser is?

17 A A Taser is an electronic stun gun.

18 Q And under what circumstances would  
19 you use a Taser?

20 A Various -- there's various things  
21 we'd use it for. We'd use it for less than  
22 lethal compliance from a subject, suicidal  
23 subjects to gain compliance, combative subjects.

24 Q Okay.

25 Does the Town of Southampton have

1 PO E. Sickles

2 any guidelines that you are to follow for the  
3 use of a Taser?

4 A They explain it through our  
5 training.

6 Q Okay.

7 A I don't believe there's any  
8 written policy.

9 Q Okay.

10 Where were you trained to use the  
11 Taser?

12 A At our range in Westhampton.

13 Q So the training for the use of the  
14 Taser was done by other members of the Town of  
15 Southampton Police Department?

16 A Yes.

17 Q Okay.

18 MR. TELESKA: Let's mark  
19 Exhibits 8 and 9.

20 (Plaintiff's Exhibit 8,  
21 "Taser Protect Life" Certificate  
22 dated April 14, 2004, was marked  
23 for identification, as of this  
24 date.)

25 (Plaintiff's Exhibit 9,

1 PO E. Sickles

2 "Taser Protect Life" Certificate  
3 dated April 22, 2005, was marked  
4 for identification, as of this  
5 date.)

6 Q Officer Sickles, I'll show you  
7 what's been marked Plaintiff's Exhibit 8  
8 (handing).

9 Do you recognize that document?

10 A (Witness peruses document.)

11 Yes.

12 Q What is it?

13 A Taser certificate.

14 Q Who issued this certificate?

15 A William Hughes.

16 Q I see at the top it says "Taser  
17 Protect Life." Do you know if that is -- well,  
18 let me start over.

19 Who manufactures the Taser?

20 A TASER.

21 Q And is this the certificate from  
22 the company that manufactures the Taser gun?

23 A I believe it's through a certified  
24 instructor that -- someone who is certified  
25 through them.

PO E. Sickles

Q Okay.

In order to get this certificate,  
you were trained by Sergeant William Hughes?

A Yes.

Q Other than Sergeant Hughes, did  
anybody else train you in how to use the Taser?

A No.

Q So there wasn't anybody from the  
TASER company that was there at the training?

A No.

Q And can you describe for me the  
training that was necessary in order to receive  
the certificate, which is again, Plaintiff's  
Exhibit 8?

A They instruct you on the  
nomenclature, how the Taser operates, and then  
you are exposed to the Taser.

Q When you say "nomenclature," what  
do you mean by that?

A The parts of the Taser, what it's  
made up of.

Q Do you know how the Taser actually  
works?

A No.

PO E. Sickles

Q Okay.

Are there different modes of use  
of a Taser?

A Yes.

Q Okay.

And how many modes are there?

A Two.

Q And can you tell me what those two  
are?

A There's a drive stun mode and  
there's a cartridge mode.

Q Can you tell me how those two  
modes, the drive stun mode and cartridge mode,  
are different?

A The drive stun is direct contact  
with the actual Taser, and the cartridge mode  
shoots two prongs that would stick into the  
subject.

Q When you say "direct contact," do  
you mean direct contact between the Taser and  
the --

A And the subject.

Q -- and the subject?

A Yes. You would touch them with



PO E. Sickles

1  
2 it.

3 Q And you would touch them -- you  
4 would pull the trigger?

5 A Yes.

6 Q And what happens?

7 A It delivers an electric shock.

8 Q And what does that cause the  
9 subject to do, if anything?

10 A It would deliver a reaction to  
11 their nervous system.

12 Q And what does it cause the subject  
13 to do actually, if anything?

14 A It causes their muscles to tense  
15 up.

16 Q So then does it prevent them from  
17 acting on their own volition?

18 A That's what it's supposed to do.

19 Q That's what I'm asking.

20 A That's the purpose, yes.

21 Q And when you -- in order to  
22 receive the certificate marked Plaintiff's  
23 Exhibit 8 -- and that certificate is dated  
24 April 14, 2004, does that refresh your  
25 recollection as to when you had the training for

PO E. Sickles

1 the Taser?

2 A Yes.

3 Q Now, Plaintiff's Exhibit 8, is  
4 that the first certificate you received for  
5 Taser training?

6 A I believe so.

7 Q You are not sure, though?

8 A I'm not positive, no.

9 Q And how long was the training?  
10 Was it a matter of hours, days, weeks?

11 A It was an eight-hour course.

12 Q One day?

13 A Yes, one-day course.

14 Q Is each member of the Street  
15 Crimes Unit trained in the use of a Taser?

16 A Yes.

17 Q Okay.

18 Let me show you now what's been  
19 marked Plaintiff's Exhibit 9 (handing).

20 Do you recognize that document?

21 A (Witness peruses document.)

22 Yes.

23 Q Can you tell me what it is?

24 A Taser certificate.  
25

1 PO E. Sickles

2 Q Now, can you tell me what, if  
3 anything, was different in the training in order  
4 to receive Plaintiff's Exhibit 9 as compared to  
5 Plaintiff's Exhibit 8?

6 A Nothing.

7 Q Okay, so was it basically the same  
8 course again?

9 A Yes.

10 Q And was it again about eight  
11 hours?

12 A Yes.

13 Q So that was eight hours during one  
14 day?

15 A Yes.

16 Q Okay.

17 Now, Plaintiff's Exhibit 9 is  
18 dated April 22, 2005. Do you see that?

19 A Yes.

20 Q And does that refresh your  
21 recollection as to about approximately when you  
22 had your second training course for the Taser?

23 A I believe so.

24 Q Subsequent to April 22, 2005, had  
25 you had any additional Taser training?

PO E. Sickles

A I don't believe so.

Q Okay.

As part of your Taser training, was there any discussions as to the advantages and/or disadvantages of using a Taser on a subject?

A Yes.

Q Can you tell me what the disadvantages would be?

A I don't recall the disadvantages.

Q Let me ask another way.

Are there certain persons that you shouldn't use the Taser on?

A Yes.

Q And who would they be?

A Children, infants.

Q Anybody else?

A That's all I recall.

Q And was the use of the Taser on children or infants, was that part of your training, that you shouldn't do that?

A Yes.

Q As part of the training, was there any indication that you should not use the Taser

PO E. Sickles

on somebody who is intoxicated or otherwise  
impaired by the use of drugs or alcohol?

A No.

Q Getting back to the two modes, the  
drive stun mode you actually make physical  
contact between the Taser and the subject;  
correct?

A Yes.

Q Now, the cartridge mode, can you  
describe how that works?

A When you pull the trigger, it  
deploys two prongs that attach to the subject to  
deliver the electricity.

Q So when it deploys two prongs,  
does there have to be full contact between the  
Taser and the subject or does it shoot like a  
bullet?

A No, it shoots.

Q And approximately how far can you  
shoot the prongs?

A Depending on the cartridge,  
anywhere from 18 to 22 feet.

Q Okay.

And as part of your training or



PO E. Sickles

1 your practice of use of a Taser in your career,  
2 after the Taser is used in either mode, is it  
3 suggested or required that the subject be given  
4 medical attention?  
5

6 A Not for both.

7 Q Okay, for which one?

8 A When the prongs are deployed, it's  
9 our procedure to take them to the hospital.

10 Q And do you know why?

11 A To prevent an infection.

12 Q Does the prong actually enter the  
13 body?

14 A Yes.

15 Q And does the cartridge mode of the  
16 Taser cause the subject to do something  
17 different than the drive stun mode?

18 A When the prongs are deployed,  
19 unless turned off by the operator, it will  
20 actually initiate a 5-second delivery. With the  
21 drive stun, you can basically take it away any  
22 time you want.

23 Q With the drive stun, you testified  
24 before that the purpose is to prevent the  
25 subject from acting on his or her own volition.



1 PO E. Sickles

2 Does the cartridge mode do the same thing or  
3 something different?

4 A No, the same thing.

5 Q So when or why would you use the  
6 drive stun mode versus the cartridge mode?

7 A Well, the drive stun mode would be  
8 used if you felt it was safe to be in close  
9 proximity of the subject as opposed to needing  
10 some distance between you.

11 Q And in the course of your career,  
12 have you, in practice, used both the drive stun  
13 and the cartridge mode?

14 A Yes.

15 Q And how many times have you used  
16 the drive stun mode?

17 A Twice.

18 Q And how about the cartridge mode?

19 A Once.

20 Q And the two times you used the  
21 drive stun mode, do you recall today when that  
22 was?

23 A For this occasion.

24 Q Against Mr. Bradway?

25 A Yes.

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MR. TELESKA: Okay, do you  
want to take a break?

THE WITNESS: Could I real  
quick?

MR. TELESKA: Yes.

(Recess was taken.)

MR. TELESKA: Back on the  
record.

Q So one time was against  
Mr. Bradway. Do you know the other time?

A For the drive stun?

Q Yes.

A Both occasions were for him.

Q Oh, I see.

And how about the cartridge mode,  
do you recall when that was?

A I don't recall what year.

Q Was it more than a year ago?

A Yes.

Q Do you recall the circumstances  
under which you used the cartridge mode?

A Yes.

Q Can you describe those for me.

A I -- we had actually performed a

PO E. Sickles

vehicle and traffic stop, and the subject was resisting, attempting to pull away from us, and I deployed the Taser.

Q And was that subject taken to the hospital?

A No.

Q What happened?

A The subject fled on foot. The Taser was ineffective, and the subject fled on foot.

Q Did the -- I believe you called them the prongs, did they actually enter the subject?

A No.

MR. TELESKA: Okay, I'll mark these as 10 and 11.

(Plaintiff's Exhibit 10, Prescription Drug Abuse Training Seminar Certificate, was marked for identification, as of this date.)

(Plaintiff's Exhibit 11, Domestic Drug Interdiction Certificate, was marked for

PO E. Sickles

identification, as of this date.)

Q Okay, Officer Sickles, the two times you used the drive stun mode on the Taser, you testified it was against Mr. Bradway; correct?

A Yes.

Q Do you recall when that was?

A 2008.

Q Do you recall the month and day?

A No, I would have to look at my reports.

Q Okay.

Let me show you what's been marked Plaintiff's Exhibit 10 (handing).

Do you recognize that document?

A (Witness peruses document.)

Yes.

Q Can you tell me what it is?

A It's a certificate for a prescription drug abuse training seminar.

Q Was this a required seminar for you to take?

A No.

Q Can you tell me what was entailed

PO E. Sickles

in order to get this certificate?

A I had to go to a -- I believe it was a one-day training course.

Q Do you know where that was?

A Mineola --

Q Okay.

A -- I believe.

Q What was the purpose of getting a prescription drug abuse training certificate?

A Just to be trained in and be aware of how certain subjects will abuse prescription drugs.

Q Okay.

You know what, let's take a step back, too, and can you tell me, as part of the -- as a member of the Street Crimes Unit, what is your day-to-day role and responsibility?

MR. TELESKA: Off the record for a minute.

(Discussion held off the record.)

MR. TELESKA: Back on the record.

A We do undercover operations,

1 PO E. Sickles

2 narcotics enforcement, we also do State Liquor  
3 Authority stings, prostitution stings, stuff of  
4 that nature.

5 Q Do you do investigations  
6 surrounding alleged prescription drug abuse?

7 A Yes.

8 Q Okay.

9 And now, do you know whether or  
10 not you received this certificate before or  
11 after the incident with Mr. Bradway?

12 A Did I receive this certificate --  
13 I mean, it was in my folder. I don't know if I  
14 ever received this myself.

15 Q Okay.

16 Do you know whether or not you had  
17 this training before or after the incident with  
18 Mr. Bradway?

19 A I believe it was after.

20 Q But you are not sure?

21 A No, I'm not sure.

22 Q Okay, let me show you P-11  
23 (handing).

24 Do you recognize that?

25 A (Witness peruses document.)



1 PO E. Sickles

2 Yes.

3 Q Can you tell me what P-11 is?

4 A It's a certificate for domestic  
5 drug interdiction.

6 Q What does that mean, "domestic  
7 drug interdiction"?

8 A It's basically a course teaching  
9 you how to interview and different modes of drug  
10 investigations.

11 Q So did the training include how  
12 you should deal with or handle a situation when  
13 you encounter a person who has used drugs or is  
14 overdosing or otherwise intoxicated?

15 A No.

16 Q So it has more to do with police  
17 investigation work?

18 A Yes.

19 Q Is this required, being a member  
20 of the Street Crimes Unit?

21 A No.

22 Q Okay.

23 Do you have an independent  
24 recollection of the arrest of Tony Bradway?

25 A Yes.

1 PO E. Sickles

2 Q And can you tell me where he was  
3 arrested?

4 A 18 Greenfield Road in Southampton.

5 Q Now, do you recall that sitting  
6 here today, or is that because you reviewed the  
7 report yesterday?

8 A No, I remember it sitting here  
9 today.

10 Q Your recollection is outside the  
11 review of your supplementary report?

12 A Yes.

13 Q Okay.

14 And did you go to the Greenfield  
15 Road address for the purpose of arresting Tony  
16 Bradway or for some other reason?

17 A Some other reason.

18 Q Can you tell me what that reason  
19 was?

20 A We were assisting the Detective  
21 Division in securing the residence.

22 Q For what reason?

23 A I believe the night before they  
24 had had an incident there that they were in the  
25 process of obtaining a search warrant for.

1 PO E. Sickles

2 Q Was a search warrant ever  
3 obtained?

4 A I don't know. I believe so.

5 Q Okay.

6 And who did you go to the location  
7 with --

8 A My partner --

9 Q -- if anyone?

10 A -- Vincent Cagno.

11 Q He's your partner?

12 A Yes.

13 Q Is he your partner today?

14 A Yes.

15 Q And he was your partner on the  
16 date of the incident with Mr. Bradway?

17 A Yes.

18 Q So you never saw the search  
19 warrant?

20 A No.

21 Q Okay.

22 When you arrived at 18 -- it's 18  
23 Greenfield Road?

24 A Yes.

25 Q Other than Officer Cagno, was

1 PO E. Sickles

2 there any other police officers at the location?

3 A Officer Frankenbach.

4 Q Okay.

5 And do you know why he was there?

6 A He was there securing the  
7 residence.

8 Q So you were there to assist  
9 Officer Frankenbach?

10 A Yes.

11 Q Okay.

12 And how did you come to encounter  
13 Mr. Bradway?

14 A He was laying on the living room  
15 couch.

16 Q Okay.

17 Was he by himself on the couch?

18 A Yes.

19 Q Other than Mr. Bradway and Officer  
20 Frankenbach, and obviously Officer Cagno, was  
21 there anybody else in the house?

22 A Yes.

23 Q Who was there?

24 A Danielle Gianini (phonetic  
25 spelling).

PO E. Sickles

Q Who is she?

A I believe Mr. Bradway's girlfriend.

Q And how did you come to know it was his girlfriend?

A They mentioned it after.

Q Either she did or he did?

A Yeah. And I believe Kenny Bow was also there.

Q Was there anybody else in the house?

A I don't recall.

Q Okay.

So other than Ms. Gianini, you don't recall any other females being at the residence at any time you were there on the date he was arrested?

A There was. There was a female, Tiffany -- I don't recall her last name, was also there with Mr. Bow.

Q Is she somehow related to Mr. Bow or...

A I believe at that time, that was his girlfriend.

1 PO E. Sickles

2 Q Okay.

3 You are not sure about that, you  
4 are --

5 A No, I'm not.

6 Q Okay.

7 Now, before the date of  
8 Mr. Bradway's arrest, had you met any of the  
9 people that were in the house, obviously other  
10 than the police officers?

11 A Yes.

12 Q Who?

13 A Mr. Bow.

14 Q How many times had you met him  
15 before?

16 A Several.

17 Q And you never had met Tiffany  
18 before?

19 A No.

20 Q How about Ms. Gianini?

21 A No.

22 Q How about Mr. Bradway?

23 A I had met Mr. Bradway before.

24 Q And where did you meet him?

25 A I don't recall if I actually met